

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:07-CR- 55-1-F

UNITED STATES OF AMERICA,)	
)	
v.)	<u>O R D E R</u>
)	
JOHN CHRISTOPHER ROGERS, JR.,)	
Defendant.)	

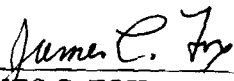
This matter is before the court for consideration of the Magistrate Judge's Memorandum and Recommendation (M&R) [DE-28], and the defendant's Objection [DE-30] thereto. The Magistrate Judge recommends denial of the defendant's Motion to Suppress [DE-18]. The defendant objects to the Magistrate Judge's credibility determinations underlying his factual findings.

The court has conducted a thorough *de novo* review of the case file, the defendant's Motion to Suppress, the transcript of the hearing before the Magistrate Judge, the Magistrate Judge's M&R, and the defendant's objections thereto, as well as the law governing the matters at issue here. Having done so, the court finds Officer Miller's version of the encounter on April 6, 2007, to be more credible, and reaches the same conclusion as did the Magistrate Judge concerning application of controlling law to the facts as related by Officer Miller. Therefore, the court hereby ADOPTS the M&R [DE-28]. The defendant's Objection [DE-30] is OVERRULED and his Motion to Suppress [DE-18] DENIED.

SO ORDERED.

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This 10 day of July, 2008.



JAMES C. FOX
Senior United States District Judge